

1 AN ACT relating to the torture of a dog or cat.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 525.135 is amended to read as follows:

4 (1) As used in this section, unless the context otherwise requires:^[,]

5 **(a) "Restrain" means to keep a dog or cat confined to a finite space or**
6 **enclosure such that the dog or cat cannot seek escape, which may include**
7 **being:**

8 **1. Locked in a cage or kennel;**

9 **2. Sealed in a plastic bag or box;**

10 **3. Chained or tied down to restrict motion;**

11 **4. Pitched in a dumpster;**

12 **5. Abandoned in a building;**

13 **6. Physically restrained with tie wraps, rope, chains, or tape; or**

14 **7. Intentionally injured to cause immobility so that the animal cannot**
15 **save itself from starvation, dehydration, physical impairment, serious**
16 **physical injury or infirmity, or death;**

17 **(b) "Serious physical injury or infirmity" means physical injury or physical**
18 **infirmity that creates a substantial risk of death, protracted loss, or**
19 **impairment of the function of the limb or bodily organ. As used in this**
20 **paragraph:**

21 **1. "Physical infirmity" includes intentional starvation, dehydration,**
22 **hypothermia, hyperthermia, muscle atrophy, restriction of blood flow**
23 **to a limb or organ, mange or other skin disease or parasitic**
24 **infestation, denial of life-saving medical care or professional**
25 **euthanasia while intentionally restraining with the intent to cause or**
26 **the wanton disregard for extreme physical pain, serious injury, or**
27 **death; and**

1 **2. "Physical injury" includes substantial physical pain, serious injury or**
 2 **death intentionally caused by fractures, cuts, burns, punctures, bruises**
 3 **due to crushing, burning, drowning, beating, poisoning, suffocating,**
 4 **hanging, impaling or skinning alive, physical disfigurement, loss of**
 5 **function of a limb or body organ or other wounds or illnesses**
 6 **produced by violence or a thermal or chemical agent while**
 7 **intentionally restrained with the intent to cause or the wanton**
 8 **disregard for extreme physical pain, serious injury, or death; and**

9 **(c)** "Torture" means the intentional infliction of or subjection to extreme physical
 10 pain or **serious injury or death to a dog or cat**, motivated by ~~an~~ intent **or**
 11 **wanton disregard that causes, increases, or prolongs the pain or suffering**
 12 **of the dog or cat, including serious physical injury or infirmity** ~~[to increase~~
 13 ~~or prolong the pain of the animal]~~.

14 (2) A person is guilty of torture of a dog or cat when he or she, without legal
 15 justification, intentionally tortures a domestic dog or cat.

16 (3) Torture of a dog or cat is a ~~[Class A misdemeanor for the first offense and a]~~Class
 17 D felony~~[for each subsequent offense if the dog or cat suffers physical injury as a~~
 18 ~~result of the torture, and a Class D felony if the dog or cat suffers serious physical~~
 19 ~~injury or death as a result of the torture].~~

20 (4) **Each act of torture of a dog or cat may constitute a separate offense.**

21 **(5) Under recommendation of a veterinarian, a tortured dog or cat may be humanely**
 22 **euthanized after it is seized if it is still alive but suffering from the intentional**
 23 **torture that will lead to its death.**

24 **(6)** Nothing in this section shall apply to the killing or injuring of a dog or cat **without**
 25 **intent to cause, or without wanton disregard of, increasing or prolonging the**
 26 **pain, suffering, or death of the dog or cat:**

27 (a) In accordance with a license to hunt, fish, or trap;

- 1 (b) For humane purposes;
- 2 (c) For veterinary, agricultural, spaying or neutering, or cosmetic purposes or
- 3 breed-specific alterations such as cropping of ears, docking of tails, or
- 4 declawing of a cat, all done by a veterinarian;
- 5 (d) For purposes relating to sporting activities including but not limited to
- 6 training for organized dog or cat shows, or other animal shows in which a dog
- 7 or a cat, or both, participate;
- 8 (e) For bona fide animal research activities, using dogs or cats, of institutions of
- 9 higher education; or a business entity registered with the United States
- 10 Department of Agriculture under the Animal Welfare Act or subject to other
- 11 federal laws governing animal research;
- 12 (f) In defense of self or another person against an aggressive or diseased dog or
- 13 cat;
- 14 (g) In defense of a domestic animal against an aggressive or diseased dog or cat;
- 15 (h) For animal or pest control; or
- 16 (i) For any other purpose authorized by law.
- 17 ~~(7)~~~~(5)~~ Activities of animals engaged in hunting, field trials, dog training other than
- 18 training a dog to fight for pleasure or profit, and other activities authorized either by
- 19 a hunting license or by the Department of Fish and Wildlife Resources shall not
- 20 constitute a violation of this section.
- 21 ~~(8)~~~~(6)~~ The acts specified in this section shall not constitute cruelty to animals under
- 22 KRS 525.125 or 525.130.